

AUG 21 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

JORGE RIVERA,
Plaintiff,

v.

WARDEN TERRY O'BRIEN,
Defendant.

)
) Civil Action No. 7:09-cv-00312
)

) **FINAL ORDER**
)

) By: Samuel G. Wilson
) United States District Judge

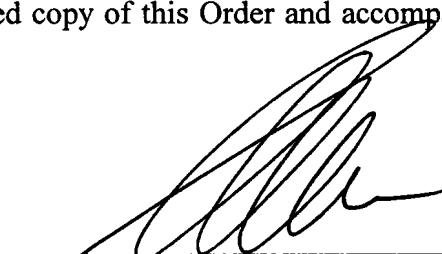
In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that Rivera's petition is **CONSTRUED** as an action pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971); this action shall be and hereby is **DISMISSED** without prejudice; his motion to proceed in forma pauperis (docket no. 2) is **DENIED as MOOT**; and this case shall be **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the plaintiff.

ENTER: This 21st day of August, 2009.


United States District Judge